

CLARK COUNTY PUBLIC FACILITIES DISTRICT PROCEEDINGS

FEBRUARY 4, 2003

CLARK COUNTY, WASHINGTON

The Clark County Public Facilities District (PFD) convened in the Franklin Center hearing room, Vancouver, Washington.

MEMBERS PRESENT

Paul Winter, Phil Parker, Debbie Abraham, and Jerry Kolke.

MEMBERS ABSENT

None.

STAFF PRESENT

Bill Barron, Kelly Sills, and Bronson Potter.

INTRODUCTIONS

Bill Barron initiated the meeting at 6:30 p.m. and those present introduced themselves.

ELECTION OF TEMPORARY CHAIR

Moved by Phil Parker, seconded by Jerry Kolke, and approved that Paul Winter be elected as Chair Pro Tempore.

CONSIDERATION OF BYLAWS

Bronson Potter provided an overview of the process which led to formation of the county's PFD district, its purpose, draft bylaws, and some legal parameters within which the PFD may operate. Bronson indicated that PFD sales and use tax revenues may only be used on behalf of a project of at least \$10 million value which commences construction by January 1, 2004. He also described the two foci of the PFD (being the Vancouver conference center and the Clark County fairgrounds master plan) as a dual approach.

Debbie Abraham asked whether each project must be at least \$10 million in value or could the two projects together represent \$10 million in combined value. Bronson Potter responded that each individual project must be at least \$10 million in value. Bronson further indicated that, once construction on a PFD-funded project commences, that project must continue to move forward to completion.

Bill Barron indicated that, to the extent the convention center project is successful, funding will essentially return from that project and be available to help fund the fairgrounds project. Part of what the county is negotiating with the City of Vancouver is to get repaid for its up-front costs. Bronson Potter indicated that a project with PFD funding requires at least a 33% match from other funding sources.

Debbie Abraham questioned whether the fairgrounds project and proposed adjacent sports complex were considered jointly as one regional project, to which Bronson Potter indicated they were.

Moved by Phil Parker, seconded by Jerry Kolke, and approved that the bylaws be adopted as proposed with the following amendments:

- The word "President" at the bottom of page four in the draft bylaws should be changed to "Chair."
- Change "members-at-large" under section 3.7 to "members of."
- Indicate under Article IV that the regular Board meetings will be the first and third Mondays of each month (on the sixth floor of the Public Service Center) starting at 5:00 p.m.

ELECTION OF OFFICERS

Nominated by Phil Parker, seconded by Jerry Kolke, and approved that Paul Winter be elected as Chair of the Board.

Nominated by Jerry Kolke, seconded by Phil Parker, and approved that Debbie Abraham be elected Vice-Chair and Phil Parker be elected as Secretary of the Board. It was agreed that secretarial duties would be delegated to Kelly Sills.

Chair Paul Winter signed the bylaws as amended and approved, and provided that signed original to Bronson Potter.

ELECTION OF FIFTH MEMBER

Bronson Potter explained that election of a fifth Board member who is employed in the lodging industry provides lodging tax opportunities that would not otherwise be available to the Board.

Moved by Phil Parker, seconded by Debbie Abraham, and approved that Brett Wilkerson, General Manager of the Heathman Lodge, be elected as the fifth member of the PFD Board.

IMPOSITION OF SALES TAX CREDIT

Moved by Jerry Kolke, seconded by Phil Parker, and approved that PFD Resolution 2003-01, a resolution imposing a sales and use tax in accordance with RCW Chapter 82.14, be adopted.

LEGAL BRIEFING

Bronson Potter provided a general overview of his personal legal standing as a Deputy Prosecuting Attorney and how there may be an occasion of conflict with his legal support of the PFD Board. Bronson provided further legal information regarding operation of the PFD and suggested that Hugh Spitzer would be available to provide bond counsel to the Board. Paul Winter requested that Bronson Potter continue as attorney for the PFD, provided that he disclose those occasions when he recognized that he may have a conflict of interest.

Moved by Phil Parker and seconded by Debbie Abraham that Bronson Potter serve as legal counsel to the PFD Board given Paul Winter's proviso about conflict of interest. Moved to amend the motion by Phil Parker and seconded by Debbie Abraham that Hugh Spitzer be designated bond counsel to the PFD Board. Motion as amended approved.

Bronson Potter generally described parameters within which the Board must act per the Washington State Public Meetings law. He described exceptions provided by the Public Meetings Act when the Board may meet in closed session. Bronson further described how the "appearance of fairness" and conflict of interest doctrines could apply to the PFD Board. He indicated that further information may be obtained on the web at <http://www.MRSC.org>.

OTHER MATTERS

Moved by Phil Parker, seconded by Jerry Kolke, and approved that the next meeting of the Board would be on 19FEB03 since the regularly scheduled meeting (17FEB03) falls on a county holiday.

ADJOURNMENT

Moved by Jerry Kolke, seconded by Phil Parker, and approved to adjourn. The PFD Board adjourned the meeting at 7:44 p.m.

The next meeting will be on 19FEB03 at the Clark County Franklin Center, 1013 Franklin Street, Vancouver.